

15.125 ARREST OR COURT ACTION AGAINST DIVISION MEMBERS

Reference:

Manual of Rules and Regulations - 2.17
Standards Manual - 26.1.5

Purpose:

Ensure the rights of all Police Division members.

Prevent unnecessary financial loss to the member and the City.

Ensure the Division and the City Solicitor's Office receive proper and timely notification of court actions, arrests, or citations involving Division members.

Ensure legal representation, in appropriate cases.

Policy:

Members will immediately report to their commanding officer any arrests or court actions instituted against them arising from the scope of their employment, or other legal actions that may affect their employment.

Procedure:

A. Civil Actions Against Division Members:

1. Any Police Division member receiving notification of a civil court action instituted against them, except in matters arising outside the scope of their employment will:
 - a. Notify the Police Chief on a Form 17, via the chain of command, prior to the end of the member's current tour of duty. A copy of the lawsuit and all other pertinent documents must be attached to the Form 17. Forward a copy of the Form 17 and the original lawsuit with all attachments to the Solicitors Office via Interdepartmental Mail.

- 1) If the member is off duty he must submit the form no later than his next tour of duty.
- 2) If the member is on extended leave he will immediately notify his immediate supervisor.
 - a) The supervisor will obtain copies of court documents and complete and route the Form 17 as required in Section A.1.a. to the Chief's Office and the Solicitor's Office.
- 3) Members will keep a copy of the lawsuit and all attachments.
- 4) Members will consult with the Solicitors Office prior to signing any legal documents.
 - a) Members may sign a certified mail receipt acknowledging acceptance of the lawsuit.

b. Include in the Form 17:

- 1) A request for legal representation.
 - a) This does not preclude members from seeking private legal counsel of their choice.
- 2) The name(s) of the plaintiff(s).
- 3) The case number.
- 4) The court in which the suit was filed (e.g. Hamilton County Common Pleas Court, U.S. District Court).
- 5) The date service of the suit was accepted.
- 6) A phone number that the Solicitors Office may contact you between 0800 and 1700 hours.

B. Criminal/Traffic Violations By Division Members:

1. All members will immediately notify their district/section/unit commander or, in his absence, the Police Communications Section supervisor if they are:
 - a. Physically arrested for any violation.
 - b. Cited for a criminal violation or a minor misdemeanor violation, excluding minor traffic violations.
 - c. Notified of or receive any operator's license suspension from the Bureau of Motor Vehicles.
2. The member will immediately, or upon return to duty, provide written notification on a Form 17 and forward it to the Chief's Office, via the chain of command, the same day as received.
 - a. The member will attach copies of all related documents.

C. Administrative Responsibilities In Civil Cases:

1. The district/section/unit commander, or his designee, will hand deliver the original Form 17 and a copy of the lawsuit with all attachments to the Chief's Office the same day as received.
2. The Chief's Office will forward the Form 17 and attachments to Planning Section the same day as received.
3. Planning Section will:
 - a. Ensure the City Solicitors Office has received notification of the lawsuit.
 - b. Fax and mail the member's Form 17 and attachments to the City Solicitor if they have not yet been received.
 - c. Maintain a file copy.

D. Administrative Responsibilities In Criminal/Traffic Cases:

1. The district/section/unit commander or the PCS supervisor will immediately notify the affected bureau commander who will determine the necessity of notifying other administrative personnel, including the Internal Investigations Section, if necessary.
- E. Legal Inquiries/Court Documents Directed To Division Members:
1. Any Division member contacted by an attorney requesting comments, statements, or a deposition; or subject to any civil matter directly or indirectly related to their employment; or subject to any civil matter arising outside the scope of their employment will:
 - a. Provide notification as outlined in Section A before any statement is given when:
 - 1) The matter may influence the member's daily job performance, or;
 - 2) The matter may require the Division's or City Solicitor's Office involvement in any form, or;
 - 3) The matter may adversely affect the member's standing within the Division, or;
 - 4) Considered in total, the civil matter, or the consequences thereof, may be detrimental or have an impact upon the Division, City, or any City employee.
 2. Division members will refuse to accept or sign for a certified letter, return receipt requested, from the Postal Service, addressed to another Division member.
 - a. The Postal Service employee will leave a notice that a certified letter is being held at the Post Office.

- b. Forward the Postal Service notice to the member.
 - 1) Make a blotter entry indicating the notice was forwarded.
 - c. If the member is on extended leave, his immediate supervisor will attempt to contact him, making a blotter entry indicating the results.
 - d. The only exception to Section E.2 is a member will accept a certified letter, return receipt requested, addressed to the Police Chief or the Cincinnati Police Division (if no individual addressee is listed).
 - 1) The accepting member will contact a supervisor who will immediately have the letter hand delivered to the Chief's Office or the affected district/section/unit.
3. Division members may accept legal service documents addressed to them personally.
- a. Failure to accept legal service documents may result in the member's home address being disclosed in order for service to be completed.